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ACACIA MEDIA TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. 05 CV 01114 JW MDL No. 1665 Specific Case No. 05-CV-01565 JW **STIPULATION AND [PROPOSED] ORDER DISMISSING CASE AGAINST ICS, INC, AND AP NET MARKETING, INC. PURSUANT TO FED.R.CIV.P. 41(a)(1)(ii)** Date: N/A Time: N/A Ctrm: 8, 4th Floor Judge: Honorable James Ware

Dockets.Justia.com

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiff Acacia Media Technologies Corporation ("Acacia") and Defendants ICS, Inc. and AP Net Marketing, Inc. ("Defendants"), through their respective counsel, hereby stipulate to the dismissal, with prejudice, of all claims brought by Plaintiff Acacia against Defendants, and of all counterclaims brought by Defendants against Plaintiff Acacia. This dismissal shall not affect any other claims or counterclaims involving Plaintiff Acacia and any other defendant in any of the MDL cases.

Each party shall bear its own costs, expenses, and attorneys' fees.

SO STIPULATED.

DATED: June 12, 2006

HENNIGAN BENNETT & DORMAN LLP

By /s/ Alan P. Block
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Attorney for Plaintiff
ACACIA MEDIA TECHNOLOGIES CORPORATION

DATED: June 12, 2006

LATHAM & WATKINS

By /s/ David A. York
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ICS, INC. and AP NET MARKETING, INC.

ORDER

PURSUANT TO THE FOREGOING STIPULATION, IT IS HEREBY ORDERED that Acacia's claims against Defendants ICS, Inc. and AP Net Marketing, Inc. and Defendants' counterclaims against Acacia are hereby dismissed with prejudice. Each party shall bear its own costs, expenses, and attorneys' fees.

No other claims by Acacia against any other defendant and no other counterclaim against Acacia shall be affected by this Order.

Dated: ________________________ ____________________________
United States District Judge

PROOF OF SERVICE-UNITED STATES DISTRICT COURT

STATE OF CALIFORNIA,)
) SS.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 601 South Figueroa Street, Suite 3300, Los Angeles, California 90017.

On June 12, 2006, I served a copy of the within document described as **STIPULATION AND [PROPOSED] ORDER DISMISSING CASE AGAINST ICS, INC, AND AP NET MARKETING, INC. PURSUANT TO FED.R.CIV.P. 41(A)(1)(II)** by transmitting via United States District Court for the Central District of California Electronic Case Filing Program the document listed above by uploading the electronic files for each of the above listed document on this date, addressed as set forth on the attached Service List.

The above-described document was also transmitted to the parties indicated below, by Federal Express only.

Chambers of the Honorable James Ware
Attn: Regarding Acacia Litigation
280 South First Street
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3 copies

I am readily familiar with Hennigan, Bennett & Dorman LLP's practice in its Los Angeles office for the collection and processing of federal express with Federal Express.

Executed on June 12, 2006, at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/S/ Carol Yuson
Carol Yuson

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